

# Supreme Court of Kentucky


## ORDER

**IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE AND  
PROCEDURE FOR THE 7TH JUDICIAL DISTRICT COURT,  
LOGAN AND TODD COUNTIES**

Upon recommendation of the Judges of the 7th Judicial District, Logan and Todd counties, and being otherwise sufficiently advised,

The Local Rules of Practice and Procedure for the 7th Judicial District, Logan and Todd counties, are hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this Court.

Entered this the 12<sup>th</sup> day of June 2012.

  
CHIEF JUSTICE JOHN D. MINTON, JR.

**RULES OF 7<sup>TH</sup> JUDICIAL DISTRICT COURT**  
**PRACTICE AND PROCEDURE**

**RULE 1. INTRODUCTION/ADMINISTRATIVE PROCEDURE**

The following Rules of Practice and Procedure are adopted in order to promote and facilitate the fair and efficient administration of justice in the Courts of the 7<sup>th</sup> Judicial District. These rules are designed to inform the public as to how the court system operates, to assist the practitioner in the presentation of cases, and to generally enhance the dignity of and respect for the local court system. The overriding purpose of these rules is to provide for the fair, prompt and consistent administration of justice in the local court system.

101. Courts of the 7<sup>th</sup> Judicial District.

(a) There are two (2) District Courts in the 7<sup>th</sup> Judicial District: Logan District Court and Todd District Court. Logan District Court holds sessions in the Logan County Justice Center, First Floor District Courtroom, Russellville, Kentucky. Todd District Court holds sessions in the Todd County Courthouse, Main Courtroom, Elkton, Kentucky;

(b) Both courts consist of (1) a Criminal Division, (2) a Juvenile Division, (3) a Civil Division, and (4) a Probate Division;

(c) Any indication of day, time or courtroom for particular sessions designated herein is subject to temporary or permanent change without notice should circumstances so require;

102. Effective Date.

The effective date of these rules shall be thirty (30) days after the Kentucky Supreme Court's approval.

103. Citation.

These rules may be cited as "CPR \_\_\_\_\_" or "Court Practice and Procedure Rules, 7<sup>th</sup> Judicial District."

104. Holidays.

The Court will observe the Kentucky Court of Justice holiday schedule and no sessions will be held on those dates designated as state holidays. A yearly list of such holidays will be available in the Clerk's Office upon request or at <http://courts.ky.gov>

**RULE 2. COURT SCHEDULING/MOTION HOUR/PROCEDURES FOR FILING**

201. Regular Motion Hour Schedule.

The divisions specified above contain separate sessions. All matters shall be scheduled on the dates and times designated in the Court schedule attached to these rules as Appendix "A."

202. Exceptions to Regular Motion Hour Schedule.

Exceptions to the regular motion hour schedule shall be at the discretion of the District Judge.

203. Deadline for Filing Motions.

Deadlines for filing motions are set out in Rules of Practice and Procedure 204 below.

**CRIMINAL PRACTICE**

204. Pretrial Motions.

To facilitate the preparation of motion dockets and preparation by the Court, all motions shall be in writing and shall be filed and served not later than forty-eight (48) hours prior to the scheduled hearing [See Appendix "A"], excluding Saturdays, Sundays and holidays, if service is made in person. If copies to opposing counsel and the Court are served by mail, said motion must be filed not later than five (5) days prior to the day of the scheduled hearing. (For example, if a motion is scheduled for Wednesday at 10:00 a.m. in Logan District Court, it must be filed and served by 10:00 a.m. on Monday if it is hand delivered; and filed by 10:00 a.m. on Friday and mailed on Friday if service is made by mail.) Copies of all motions filed shall be served or mailed to the Court. Counsel may schedule motions by contacting the Clerk's Office. The Clerk maintains a Motion Calendar indicating the date, time and order of these motions. Motions for continuances must be in writing. Dispositive motions, discovery issues, motions to continue and foreseeable evidentiary motions shall be scheduled to be heard at least three (3) days prior to the jury trial and will not be heard on the trial date except for good cause shown.

205. Guilty Pleas.

When the defendant's case has been scheduled for trial, all reasonable efforts shall be made to prevent unnecessary delay of the trial and inconvenience to the jury. Attorneys and defendants are to use their best efforts toward settlement and should exhaust completely all efforts toward settlement no later than seven (7) days prior to trial.

206. Pretrial Conferences and Jury Trials.

Pretrial Conferences will be held as a matter of course in all criminal and traffic cases in which a jury trial has been requested. If an agreement cannot be reached at this conference, the defendant's case will be scheduled for trial by jury or the Court.

Due to the high volume of District Court jury trials and the need to maintain public confidence, respect, and participation, the following rules shall be strictly observed. Continuances will be granted only for good cause shown. Every effort shall be made by court and counsel to promote efficiency, to maintain decorum and to avoid inconvenience to the jury panel. The County Attorney shall inform the Court and Counsel of the anticipated order of trials at least one day prior to the trial. All Counsel, defendants and witnesses shall be present at 8:30 a.m. on the date of trial. Counsel, defendants and witnesses for cases which are not anticipated to be heard first shall nevertheless report and remain available for trial throughout the day. Unless otherwise directed by the Court, counsel and defendants shall be seated at counsel table at 9:00 a.m. to announce ready for trial.

207. Uniform Schedule of Bail and Prepayable Schedule.

The Court adopts the Uniform Schedule of Bail as an authorized method of pretrial release pursuant to RCr 4.20. The Court also adopts the prepayable schedule for traffic offenses, etc, set out in KRS 189.999.

**RULE 3. DOMESTIC VIOLENCE PROTOCOL AND 24-HOUR ACCESS POLICY**

301. The 24-hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol for the 7<sup>th</sup> Judicial District is located in Appendix "B" to these local rules and incorporated as if set out fully herein.

**RULE 4. PATERNITY**

401. Motions relating to paternity shall be heard in Logan District Court on the third Friday of the month at 9:00 a.m. and in Todd District Court on the 1<sup>st</sup> and 3<sup>rd</sup> weeks at 10:00 a.m. when Court is in session. Judge's Office may be contacted for additional available hearing dates.

**RULE 5. DEPENDENCY, NEGLECT AND ABUSE**

501. Proceedings.

All proceedings in Juvenile Division shall be conducted pursuant to the Unified Juvenile Code, KRS Chapters 600 to 645, as amended.

502. Motions.

Motions shall be filed and served as set out in CPR 204, but shall be scheduled during regular sessions of the Juvenile Division.

503. Emergency Motions.

In cases wherein the Court has reason to believe a child may be endangered, the Court or Trial Commissioner may issue ex parte emergency orders. The Court may authorize such actions as it deems necessary to protect a child by telephonic conference, if circumstances require, and then enter the appropriate written orders at the earliest possible time.

**RULE 6. STATUS OFFENSES**

601. Motions regarding Status Offenses shall be heard during regular sessions of the Juvenile Division.

**RULE 7. CIVIL/CRIMINAL /PROBATE PRACTICE RULES**

701. Times for Civil Motions.

Motions shall be scheduled for the days and times indicated on the Court schedule. The Clerk's Office shall maintain a Civil Motion docket, and shall docket each motion in the order that it is filed. Counsel should contact the Clerk's Office to obtain a date for a hearing. The Court assumes that each hearing will take no longer than fifteen (15) minutes. The Court requests counsel to obtain a special day and time from the secretary of the District Judge to hear motions that will last longer than fifteen (15) minutes.

702. Service of Motions.

Motions shall be in writing, except motions made orally during trial. Service of motions shall be as outlined in CPR 204.

703. Motions under CR 78(2).

Motions may be made pursuant to CR 78 (2), which provides for the determination of motions without oral hearings upon brief written statements of reasons in support and opposition of the motion. The movant shall state that the motion is made pursuant to CR 78(2), and shall direct the opposing attorney's attention to the fact that under this local rule the motion may be granted routinely by the Court within ten (10) days after filing unless an objection is received or a response filed. Should the party opposing the motion wish to have an oral hearing, he may also state in his response, and after contacting the Clerk's Office as outlined above, shall proceed to set the motion for a Motion Day.

704. Continuances.

An attorney who will be unable to be present at the time set for a motion shall immediately contact the opposing attorney and attempt to establish a mutually agreeable time for the hearing. Should this prove unsuccessful, the party desiring a continuance shall file a motion for continuance in writing. The Court will then consider the motion for continuance and determine whether to reschedule the hearing or hold it for compelling reasons and, in applicable cases, ensure compliance with FCRPP 23.

705. Copies to Court.

Counsel should mail a copy of each written motion to the Court when the original is filed with the Clerk's Office. This will allow the Court to review the motion and supporting memoranda or affidavits prior to the hearing.

706. Default Judgments.

A party seeking a default judgment shall first file a written motion and notice for such judgment. All such motions shall be heard ex parte and shall not be scheduled on the Civil Motion Docket. The motions shall be accompanied by an affidavit in full compliance with 50 USCA, App. Sec. 520, and the certificate required by CR 55.01. The judgment must also contain a statement by the attorney for the party seeking such a judgment conforming with the certificate required by CR 55.01.

707. Trials.

A party desiring a jury trial must demand it as provided in CR 38.02, and, otherwise, the Court may consider any right thereto waived, and the trial, if any, may be heard by the Court.

708. Pretrial Conferences.

At its discretion, the Court may require the parties to meet in order to discuss and narrow the issues. Parties should be prepared to stipulate facts as to the admissibility of certain documents or other such evidence, to agree upon the issues to be tried, and to tender proposed instructions.

709. Settlements.

All parties shall notify the Court not less than forty-eight (48) hours prior to a trial of a civil case of any settlement therein.

710. Subpoenas.

All subpoenas to be served by the Sheriff shall be delivered to his office at least ten (10) days prior to the trial date. No continuances will be granted due solely to the failure to have a witness subpoenaed unless it is certified that this rule was complied with or other good cause is shown.

**PROBATE PRACTICE**

711. Petitions for Probate.

To commence the probate of a decedent's estate, a petition for appointment of a fiduciary, probate of a will, or similar initial pleading shall be filed in the Probate Division of the Clerk's Office, and all required fees paid. Normally, AOC 805 may be used. There shall be filed with the petition a completed fiduciary bond form (e.g. AOC 825) with the amount left blank.

712. Proof of Execution of Wills.

No will offered for probate will be accepted unless proof is submitted to the Court regarding its due execution. This proof may be in the form of oral testimony before the Court, or affidavit.

713. Notice and Waiver.

Unless the person seeking appointment as a personal representative is a named Executor in a Will offered for probate, notice of the hearing on the appointment must be given to all heirs at law. This notice must be in writing. Notice may be by ordinary mail at least five (5) days before the hearing. Proof of service in the form of a copy of the mailed notices and a certificate of service shall be filed in the record with the petition requesting appointment. In lieu of such notice, the Court will accept a waiver from each heir indicating that he or she does not desire to attend the hearing.

714. Bond and Surety.

The personal representative shall be required to make a bond. The amount of this bond shall be the estimated value of the estate for which the fiduciary is entrusted, but the value of real estate will be excluded unless the Will grants the power of sale or the fiduciary has petitioned the Court to sell the real estate. Surety will be excused where the Will requests that surety not be required or, in the discretion of the Court, where it is deemed unnecessary for the protection of the estate or in instances where a waiver of surety is executed by all parties in interest and filed. Trust companies may pledge their capital stock in the amount of the bond.

715. Petitions to Dispense with Administration.

When there are no probatable assets, or under the appropriate circumstances, the Court may order that administration of the estate be dispensed with. Such orders may be entered upon a petition requesting such relief being filed.

716. Probate Docket.

The Court shall consider probate cases after they have been placed on the Probate Docket as indicated above. Petitions should be filed no later than the preceding day. If a hearing is requested, counsel should contact the Clerk's Office to obtain a day and time for such hearing, and notice shall be given thereafter. With the exception of the appointment and swearing of fiduciaries such as Executors, Administrators, Guardians or Conservators, uncontested probate matters shall be placed on an informal docket and the Court shall enter appropriate orders at the earliest date.

717. Settlements.

All settlements must comply with statutory requirements and be sufficiently detailed to give the Court enough information to approve it. Informal settlements may be submitted in accordance with KRS 395.605.

718. Compensation.

Any request for compensation made by a personal representative or an attorney for the estate must be clearly itemized in the final settlement for approval by the court.

**RULE 8. MISCELLANEOUS**

801. Scheduled Sessions.

It shall be the Court's policy to begin each scheduled session on time. To the extent that attorneys or parties desire to confer with the County Attorney prior to Court, they should arrange to arrive at Court in sufficient time to do so without delaying the commencement of Court, and without attempting to talk to the County Attorney after Court has convened.

802. Interview by Pretrial Release Officer.

The Court shall not, except for good cause shown, release any person that has been incarcerated until the Pretrial Release Officer has interviewed that person. After this interview, the Pretrial Release Officer will make appropriate recommendations to the Court.

803. Prepayment of Fines/Charges of No Insurance – Dismissal Upon Proof.

The Todd Circuit Clerk and the Logan Circuit Clerk are authorized to accept the minimum designated fine for any offense designated pre-payable pursuant to KRS 189.999 or for violations of KRS 189.125 (Failure to Wear Seatbelt) or any other offense designated by Court order, and to accept costs in the amount of \$143.00 in Logan County and \$140.00 in Todd County.

The respective Clerk's Offices are authorized, upon request of an eligible Defendant and prepayment of cost, to inform the Defendant that his/her case will be calendared for referral to State Traffic School in lieu of any other penalty for any violation of KRS Chapters 177, 186 or 189 (this includes disregarding a traffic control device and speeding up to 24 mph over the limit), which does not have as a penalty mandatory revocation or suspension of their drivers license. Defendants are not eligible for State Traffic School where at the time of the offense, the person did not have a driver's license or whose license had been revoked or suspended or where the person has attended State Traffic School in the past year. **See**, Administrative Procedures for the Court of Justice Part VIII. Prepayment of fines and costs or referral to State Traffic School with payment of costs shall be considered a plea of guilty to the charged offense. **See**, KRS 431.452(3)(d).



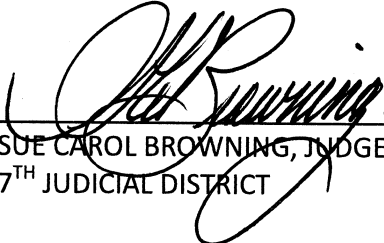
The respective Clerk's Offices are also authorized to photocopy proof submitted by a Defendant charged with offenses related to failure to maintain or have proof of liability insurance while the owner or operator of a motor vehicle, if the defendant in fact had the required liability insurance coverage on the date of the citation and to inform the Defendant that the charge will be placed upon the Court's Docket for dismissal and that the Defendant need not appear to answer these specific charges unless notified by the Court.

804. Protection of Personal Identifiers.

All pleadings must comply with the requirements of KRS Chapters 205, 403, 405 and 407, by providing the personal identifying information required in those chapters. However, where personal identifiers are required by statute or contained in other documents or exhibits filed with the Court, parties shall comply with CR 7.03(1)(b) by filing one copy from which any personal data has been redacted and filing an un-redacted copy in a marked and sealed envelope. The Clerk of the Court shall allow the un-redacted, sealed copy of the pleading, document or exhibit contained personal identifiers to be accessed only by a party to the case, an attorney of record in the case, a judge of the court or other authorized court personnel, a duly authorized employee or agent of the Cabinet for Health and Family Services involved in child support matters attendant to the case, or a person authorized to view the copy by specific orders of the court. As used in this section, "personal identifiers" means a Social Security number or taxpayer identification number, date of birth, or financial account number.

These Rules of District Court Practice and Procedure of the 7<sup>th</sup> Judicial District are adopted pursuant to SCR 1.040(3)(a), RCr 13.02, and other applicable law, and shall apply after approval and certification of the Supreme Court of Kentucky as required by law. All former rules, orders, memoranda of this Court in conflict herewith are repealed effective upon approval of these rules. Additional Rules of Practice may be adopted as needed from time to time in the discretion of this Court and the foregoing Rules may be amended, deleted or added to as decreed.

This 1<sup>st</sup> day of June, 2012

  
SUE CAROL BROWNING, JUDGE  
7<sup>TH</sup> JUDICIAL DISTRICT

**APPENDIX "A"**

**LOGAN DISTRICT COURT SCHEDULE**

**MONDAY:** 8:30 a.m. – Emergency Hearings & Jail Arraignments

**TUESDAY:** No Court in Logan County

**WEDNESDAY:**

10:00 a.m. – Small Claims (2<sup>nd</sup> & 4<sup>th</sup> Weeks)

10:00 a.m. – Criminal Motions (1<sup>st</sup> & 3<sup>rd</sup> Weeks)

11:00 a.m. - Forcible Detainer & Civil Motions (2<sup>nd</sup> & 4<sup>th</sup> Weeks)

1:00 p.m. –Criminal/Traffic Arraignments

**THURSDAY:** 8:30 a.m. – Juvenile Court (each week except for Pre-trial Conference days as

Noted on Court's color-coded calendar)

1:00 p.m. - Preliminary Hearings

2:00 p.m. - Show Cause Hearings

**FRIDAY:** 8:30 a.m. - Probate Hearing (each week except for Pre-Trial Conference days as

Noted on Court's color-coded calendar)

8:30 a.m. - Pre-trial Conferences (as noted on color-coded calendar)

9:00 a.m. - Paternity and URESA Actions (3<sup>rd</sup> week)

**\*\* THERE WILL BE NO REGULAR SESSIONS HELD WHILE A JURY TERM IS IN PROGRESS OR ON DATES SET ASIDE FOR PRE-TRIAL CONFERENCES. CHECK COLOR-CODED CALENDAR FOR SAID DATES, CONFERENCES AND HOLIDAYS WHEN COURT IS NOT IN SESSION.**

**APPENDIX "A"**

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**TODD DISTRICT COURT SCHEDULE**

**MONDAY:** 1:00 p.m. Criminal/Traffic Arraignments

2:00 p.m. Preliminary Hearings

3:00 p.m. Juvenile Hearings

**TUESDAY:** 9:00 a.m. Probate/Domestic Violence

9:15 a.m. Show Cause Hearings

9:30 a.m. Criminal Motions

10:00 a.m. Civil/Small Claims (1<sup>st</sup> and 3<sup>rd</sup> weeks)

1:30 p.m. – Pre-trial Conferences as scheduled

**\*\* THERE WILL BE NO REGULAR SESSIONS HELD WHILE A JURY TERM IS IN PROGRESS OR ON DATES SET ASIDE FOR PRE-TRIAL CONFERENCES. CHECK COLOR-CODED CALENDAR FOR SAID DATES, CONFERENCES AND HOLIDAYS WHEN COURT IS NOT IN SESSION.**

## **APPENDIX B**

### **TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL 7<sup>TH</sup> JUDICIAL CIRCUIT AND DISTRICT, LOGAN AND TODD COUNTIES**

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the Logan/Todd Circuit and District Courts.

#### **I. Uniform Protocol for Handling Cases.**

- A. Circuit Court Clerks shall process domestic violence cases in accordance with the Procedures set forth in the "Domestic Violence Proceedings" section of the Kentucky Circuit Court Clerk's Manual.
- B. All cases will be assigned a "D" case number with the appropriate trailer number within the Court case management system and may not be consolidated with any other case type.
- C. Logan and Todd Counties do not have a blanket "no-drop" policy. Domestic violence cases are civil matters within the purview of CR 41.01, relating to voluntary dismissal of cases. Domestic violence matters may be reassigned from the Logan/Todd District Court to the Logan/Todd Circuit Court when there is a dissolution/custody proceeding pending or if a dissolution/custody proceeding is filed during the pendency of the District Court matter. The decision to reassign is within the discretion of the District Judge, who may retain and decide the matter or, enter or continue such protective orders and process deemed necessary and reassign the matter on a date certain on the next available motion day for final hearing before the Circuit Court. In no event shall a case in which a protective order is entered be reassigned to another judge on a date beyond the period of time such orders may legally remain in effect.
- D. Domestic violence cases may be reassigned or transferred to another circuit under the following circumstances:

After hearing the evidence from all the parties in considering whether to issue a DVO, the Judge may in his or her discretion transfer the case to the District or Circuit Court of another county where a related marital dissolution or child custody matter is pending. Pursuant to FCRPP 12, any emergency protective order issued in a case that is transferred shall continue and the summons shall be reissued by the initiating Logan/Todd County Circuit or District Court or trial commissioner, pursuant to KRS 403.740(4), for a period not to exceed fourteen (14) days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.

#### **II. Twenty-four Hour Accessibility**

- A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:

During hours when the Todd and Logan County Circuit Court Clerks' Offices are open persons seeking an EPO or DVO shall be sent to that office to fill out a petition.

- B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours and weekends:

All law enforcement agencies in this Circuit, including but not limited to, the Logan County Sheriff's Office, the Todd County Sheriff's Office and all other law enforcement agencies within the Circuit including the Kentucky State Police Posts (Bowling Green & Nortonville) shall keep and maintain on hand the necessary blank Domestic Violence Petition (AOC-275.1) forms and Emergency Protective Order (EPO) forms (AOC-275.2) to be available to law enforcement officers on all shifts for use when the Circuit Court Clerk's Office is closed. The law enforcement officer involved will then supply a petition form and contact a judicial officer directly by telephone after it is completed by the petitioner as indicated below.

Any person alleged to be a victim of domestic violence shall be informed by the law enforcement officer that they may fill out a domestic Violence Petition and have the matter immediately presented to a judicial officer for consideration.

During hours when the Circuit Clerk's Office is open, persons seeking an EPO may be sent to that office to fill out a petition. After office hours, the officer shall follow instructions given by the judicial officer in telefaxing or delivering the completed petition and EPO form to the judicial officer. Judicial officers may be reached by telephone on a 24 hour basis through the emergency dispatch centers in each county.

Domestic Violence Petitions may be verified (sworn) before any police officer, notary public, the County Attorney of either county or the Commonwealth Attorney.

- C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the following:

If no dissolution or child custody proceeding between the same parties is pending or a petition for dissolution or child custody has not been filed contemporaneously in the Circuit Court, the petition shall be presented to the District Judge. If the District Judge is unavailable, the clerk shall seek the consideration of the Circuit Judge who shall schedule any further hearings for the domestic violence session of the District Court. If neither judge is available, the clerk shall seek the consideration of the Trial Commissioner who shall schedule any further hearing for the domestic violence session of the District Court.

If a dissolution or child custody proceeding between the same parties is pending or a petition for dissolution or child custody is filed contemporaneously with the domestic violence petition, the petition shall be presented to the Circuit Judge for consideration. If the Circuit Judge is unavailable, the clerk shall seek the consideration of the District Judge who shall schedule any further hearings for the Circuit Court on a motion day. If neither Judge is available, the clerk shall seek the

consideration of the Trial Commissioner who shall schedule any further hearing for the Circuit Court on motion day.

- D. Upon consideration of a petition **after** regular business hours, weekends and holidays, the authorized agency/officer identified in B. above shall present the petition to the following:

If no dissolution or child custody proceeding between the same parties is known to be pending in the Circuit Court, the District Judge shall be contacted to consider the petition. Any further hearing shall be scheduled for the domestic violence session of the District Court. If the District Judge is not available, the Trial Commissioner shall be contacted to consider the petition. Any further hearing shall be scheduled by him for the domestic violence session of the District Court. If neither the District Judge nor the Trial Commissioner is available, the Circuit Judge shall be contacted to consider the petition. Any further hearing shall be scheduled by him for the domestic violence session of the District Court.

If a dissolution or child custody proceeding between the same parties is known to be pending in the Circuit Court, the Circuit Judge shall be contacted to consider the petition and any further hearing shall be scheduled before the Circuit Court on motion day. If the Circuit Judge is not available, the District Judge shall be contacted to consider the petition and shall schedule any further hearing before the Circuit Court on motion day. If neither Judge is available, the Trial Commissioner shall be contacted to consider the petition and any further hearing shall be scheduled by him before the Circuit Court on motion day.

- E. Petitions will be reviewed within an hour of presentation to a judge or trial commissioner unless it is impossible due to the unavailability of a judge or trial commissioner, or unless otherwise ordered by the judge.-
- F. The schedule for domestic violence hearings is as follows:

**In the District Court:**

Logan District Court – Each Wednesday at 9:30 a.m.-

Todd District Court - Each Tuesday at 9:00 a.m.

**In the Circuit Court:**

Logan Circuit Court - Each Thursday at 2:30 p.m.

Todd Circuit Court - Each Wednesday at 10:30 a.m.

**III. Contempt / Other Proceedings**

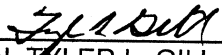
- A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.
- B. Petitioners seeking to initiate civil contempt proceedings based upon the alleged violation of an EPO or DVO by the Respondent should contact the Office of the


Logan/Todd Circuit Court Clerk, who will set the matter for a hearing on the next available domestic violence docket.

- C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order.
- D. **Post DVO Proceedings (including Contempt Proceedings and Motions to Amend).** All matters raised concerning a Domestic Violence Petition arising after the original hearing on the Petition, including motions to amend or actions for contempt for violation of the conditions of an EPO or DVO shall be heard by the judge of the court to which it is assigned under the local rules above. This procedure shall be followed even where the Circuit Court has disposed of the marital dissolution action or other domestic action which initially caused the assignment or reassignment of the case to the Circuit Court. The District Judge may, in his or her discretion, reassign a Domestic Violence action to the Circuit Court in any case where a contempt motion or motion to amend is made in a domestic violence action and a related domestic action is then pending in Circuit Court.

All general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

The above protocol is adopted by all Judges in the Circuit/District.

  
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HON. TYLER L. GILL, JUDGE  
LOGAN/TODD CIRCUIT COURT  
DATE: 5/7/12

  
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HON. SUE CAROL BROWNING, JUDGE  
LOGAN/TODD DISTRICT COURT  
DATE: 5/10/2012